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REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Claims 15-33 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the above amendments.

With respect to the raised 35 U.S.C. 112, first paragraph, rejection, the Applicant respectfully draws the Examiner's attention to Figs. 1-4 of the pending application which clearly shows the tapered transition, i.e., some sort of contoured or shaped surface is located between the leading end of the end section 11 and the junction region 17 which is a "transition" surface. Accordingly, contrary to the Examiner's allegation, the Applicant respectfully submits that Figs. 1-4 provide ample support for such claimed transition feature in the claims.

Notwithstanding the above explanation and clarification, the Applicant revised the claims to clarify that it is the leading end of the end section 11 which tapers toward and joins with the junction region 17 of the dental instrument--see in particular Figs. 1 and 2 of the pending drawings. In view of above, the Applicant respectfully submits that the raised 35 U.S.C. 112, first paragraph, rejection should be withdrawn since the drawings, at the very least, provide ample support for the presently amended claims.

Next, claims 15, 18, 23-24 and 29 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Senia et al. '565 (U.S. Publication No. 2002/0182565). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The reference of Senia et al. '565 relates to and discloses a dental instrument, designed to be mechanically driven by an electric motor, which has an end section, a proximal region, a central region and a distal region. The proximal region allegedly comprises a "junction region" with a reduced diameter area region which is arguably capable of breaking in the event that a predetermined drive torque is applied to the dental instrument. However, the Applicant respectfully submits that, according to the Examiner and Appendix I accompanying the Official

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Action, the proximal region, the central region and the distal region all together comprise the nose 24a of Senia et al. '565 (see Fig. 1). It is respectfully submitted that the length of the nose 24a of Senia et al. '565 is less than half the overall axial length of the working portion 16, while the nose 24a of Senia et al. '565 is about a quarter of so of the entire axial length of the dental instrument. The Applicant, therefore, respectfully submits the end section, according to the Examiner and Appendix I of the Official Action, comprises at least the shaft 12 of the Senia et al. '565 dental instrument. In view of such interpretation, the Applicant respectfully submits that the proximal region, the central region and the distal region together have a combined axial length which is: 1) less than the axial length of the working portion 16, 2) less than the axial length of the shaft 12, and 3) less than the axial length of both the working portion 16 combined with the shaft 12 of Senia et al. '565.

Senia et al. '565 states:

Reference to the accompanying figures also illustrates that the shaft is substantially longer than the working portion and is flexible. . . . the working portion is typically substantially shorter in length as compared to the length of the shaft (typically 3% to 25%). . . [t]his allows the requisite flexibility of the shaft. (see col 4 lines 40-50)

As a result of the taught, suggested and disclosed arrangement of Senia et al. '565—which has a relatively short nose 24a comprising the proximal region, the central region and the distal region—if the dental tool according to Senia et al. '565 were to break during use, it is likely that such a break will occur at the alleged “junction region” (i.e., the reduced diameter area region) thereby leaving a dismembered portion of the dental tool irretrievably lost in the root canal. This problem is overcome by the presently claimed invention which recites that “ According to the presently claimed invention, it is respectfully submitted that the novel positioning of the junction region that helps to overcome such a problem and distinguishes the present invention from the applied art of Senia et al. '565.

In addition to the above noted distinctions, the Applicant respectfully submits that Senia et al. '565 also teaches away from helical cutting edges. Senia et al. '565 specifically states, “Applicant’s novel endodontic reamer is comprised of a shaft having a longitudinal axis and wedge sections, not helically wound, with respect to the longitudinal axis.” (see col. 1 lines 45-48).

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The Applicant respectfully submits that amended claims 29 and 30 further distinguish the present invention from the applied art of Senia et al. '565. Those two independent claims, as well as claim 15, specifically recite that "...the distal region (12), the central region (13) and the proximal region (14) have a polygonal cross section and comprise a plurality of hollow flutes with helical cutting edges." Such claimed feature further distinguishes the presently claimed invention from the applied art of Senia et al. '565.

In view of the forgoing, it is respectfully submitted that the raised rejection in view of Senia et al. '565 should be withdrawn at this time.

Claims 17 and 25 are then rejected, under 35 U.S.C. § 103(a), as being unpatentable over Senia et al. '565 in view of Johnson '209 (U.S. Patent No. 6,074,209); claims 20-22 and 32 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Senia et al. '565 in view of Corneo '640 (CH 513,640); claims 16, 26, 28 and 30-31 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Senia et al. '565 in view of Berlin '202 (U.S. Patent No. 5,876,202); and claim 33 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Senia et al. '565 in view of Berlin '202 and in further view of Corneo '640. The Applicant acknowledges and respectfully traverses all of the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional references of Johnson '209, Corneo '640 and Berlin '202 may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Senia et al. '565 with this additional art of Johnson '209, Corneo '640 and/or Berlin '202 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the

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Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Senia et al. '565, Johnson '209, Corneo '640 and/or Berlin '202 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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